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Mavrix Photographs LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MAVRIX PHOTOGRAPHS LLC, a limited
liability company,

Plaintiff,

v.

DMG MEDIA LIMITED, a U.K. limited
company; ASSOCIATED NEWSPAPERS,
LTD., a U.K. limited company; and DOES
1-10 INCLUSIVE,

Defendants.

Case No.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Mavrix Photographs LLC (“Mavrix”), by and through its attorneys of record,
2 complains against DMG Media Limited (“DMG”), Associated Newspapers Ltd.
3 (“Associated”) and DOES 1-10 (collectively “Defendants”) as follows:

4 **JURISDICTION AND VENUE**

5 1. This is a civil action against Defendants for their acts of copyright
6 infringement in violation of the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.* This
7 Court has subject matter jurisdiction over the copyright infringement under 28 U.S.C. §
8 1331, 17 U.S.C. § 501(a), and 28 U.S.C. § 1338(a).

9 2. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28
10 U.S.C. § 1400(a) in that the claim arises in this Judicial District, the Defendants may be
11 found and transact business in this Judicial District, and the injury suffered by Plaintiff took
12 place in this Judicial District. Defendants are subject to the general and specific personal
13 jurisdiction of this Court because of their contacts with the State of California.

14 **PARTIES**

15 3. Plaintiff Mavrix is a limited liability company existing under the laws of
16 California, with its principal place of business in Los Angeles, California.

17 4. Plaintiff is informed and believes and, upon such, alleges that DMG Media
18 Limited, is a limited company with its principal place of business in London, England. On
19 information and belief, DMG also has a physical presence in Los Angeles, California as at
20 least twelve people on the social media site Linkedin identify the Daily Mail as their
21 current employer and reside in the Los Angeles area.

22 5. Plaintiff is informed and believes and, upon such, alleges that Associated
23 Newspapers, Ltd., is a limited company with its principal place of business in London,
24 England.

25 6. DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues
26 said Defendants by such fictitious names. Plaintiff will ask leave of Court to amend this
27 Complaint and insert the true names and capacities of said Defendants when the same have
28 been ascertained. Plaintiff is informed and believes and, upon such, alleges that each of the

Defendants designated herein as a “DOE” is legally responsible in some manner for the events and happenings herein alleged, and that Plaintiff’s damages as alleged herein were proximately caused by such Defendants.

STATEMENT OF FACTS

The Photos Forming the Subject Matter of This Dispute

7. Mavrix Photo, Inc. (MPI) is a prominent celebrity photography agency that licenses its photographs on an exclusive and non-exclusive basis to a multitude of top-tier media outlets, including, the world’s leading newspapers, television programs and magazines, like People or US Weekly. MPI has licensed individual images of celebrities for over \$100,000 to major content outlets.

8. MPI made certain photographs of well-known celebrities such as Kanye West, Kourtney Kardashian, Kate Hudson, Christina Aguilera, Britney Spears, Selma Blair, Justin Theroux, Rebel Wilson, Kate Beckinsale, James Van Der Beek, Ne-Yo, Bella Thorne, Kelly Ripa, Joanna Krupa, and January Jones, available for licensing on an individual or blanket basis through MPI since the first publication of the images. These images are collectively referred to herein as the “Celebrity Photos.”

9. MPI filed for copyright registration of the Celebrity Photos within 90 days of their authorship and first publication. A true and correct copies of the Copyright registrations/applications are attached as Exhibit A.

10. MPI has assigned to Plaintiff Mavrix all rights (including the copyright) to the Celebrity Photos.

The Defendants and the Marketplace

11. On information and belief, Defendants DMG and Associated are sophisticated and successful publishers serving readers through its newspaper “The Daily Mail” and its Mail Online website, www.dailymail.co.uk (“Daily Mail website” or “Daily Mail Online”). DMG touts itself as “an international multi-channel media company which is home to some of the UK’s most popular brands.” The print version of the Daily Mail is sold in the United States, in California and in Los Angeles specifically. Moreover, according to its own

1 website “DMG reaches nearly 35.3 million people a month or 68% of the GB adult
2 population.” Daily Mail Online is “the world’s largest English speaking newspaper website
3 with more than 211.1 million monthly unique visitors globally” and “[i]t is also America’s
4 third biggest online newspaper with US traffic of 69.4 million monthly unique visitors and
5 almost two million daily visits.” On information and belief, many of these visitors are
6 based in California. On information and belief Associated is a subsidiary of DMG. Daily
7 Mail Online’s Terms of Use represent that Associated operates the website and that the user
8 is entering into an agreement with Associated. Moreover, it is listed as the copyright owner
9 of Daily Mail Online.

10 12. On information and belief, Defendants’ business model depends on copyright
11 laws to protect its own content and therefore is knowledgeable about the strictures of
12 copyright law. Defendants know from prior communications with Mavrix’s owners and/or
13 lawyers that Mavrix’s copyrights should be respected, but Defendants have continued to
14 infringe the copyrights in said photographs.

15 13. On information and belief, Defendants’ goal of reaching readers around the
16 United States and beyond is evident in the advertising materials displayed, which includes
17 some that target Southern California specifically.

18 14. Plaintiff alleges, on information and belief, that Defendants owned and
19 operated Dailymail.co.uk at all times relevant to this dispute.

20 15. Defendants have, on information and belief, violated federal law by willfully
21 infringing Mavrix copyrights to at least 69 different photographs on Daily Mail Online.
22 Attached hereto as Exhibit B are true and correct copies of numerous screenshots showing
23 Defendants’ use of the Celebrity Photos on Dailymail.co.uk.

24 16. Specifically, Defendants reproduced, distributed and publicly displayed at
25 least 69 of the Celebrity Photos, and derivatives thereof, on their website without
26 permission, consent, or license.

1 23. Defendants have directly, vicariously and/or contributorily infringed, and
2 unless enjoined, will continue to infringe Mavrix's copyrights by reproducing, displaying,
3 distributing and utilizing the Celebrity Photos for purposes of trade in violation of 17
4 U.S.C. § 501 *et seq.*

5 24. Defendants have willfully infringed, and unless enjoined, will continue to
6 infringe Mavrix's copyrights by knowingly reproducing, displaying, distributing and
7 utilizing the Celebrity Photos for purposes of trade and by doing so knowing that it has no
8 license to said photos from Mavrix and has not paid for said photos to Mavrix, which acts
9 have even continued after Mavrix has notified Defendants of said acts of infringement. On
10 information and belief, Defendants' acts of infringement are willful as alleged herein and
11 also because, *inter alia*, the Defendants are sophisticated online publishers with full
12 knowledge of the strictures of federal copyright law and the basic requirements for
13 licensing the use of copyrighted content for commercial exploitation.

14 25. On information and belief, Defendants, despite such knowledge, willfully
15 reproduced, publicly distributed and publicly displayed the Celebrity Photos on
16 dailymail.co.uk.

17 26. Defendants have received substantial benefits in connection with the
18 unauthorized reproduction, display, distribution and utilization of the Celebrity Photos for
19 purposes of trade, including by increasing the traffic to Defendants' website and, thus,
20 increasing the advertising fees realized.

21 27. The actions of Defendants were and are continuing to be performed without
22 the permission, license or consent of Mavrix.

23 28. The wrongful acts of Defendants have caused, and are causing, great injury to
24 Plaintiff, of which damages cannot be accurately computed, and unless this Court restrains
25 Defendants from further commission of said acts, Mavrix will suffer irreparable injury, for
26 all of which it is without an adequate remedy at law. Accordingly, Plaintiff seeks a
27 declaration that Defendants are infringing Mavrix's copyrights and an order under 17
28 U.S.C. § 502 enjoining Defendants from any further infringement of Plaintiff's copyrights.

1 3. An accounting be made for all profits, income, receipts or other benefit
2 derived by Defendants from the reproduction, copying, display, promotion, distribution or
3 sale of products and services, or other media, either now known or hereafter devised, that
4 improperly or unlawfully infringes upon Plaintiff's copyrights pursuant to 17 U.S.C. §§
5 504 (a)(1) & (b).

6 4. Requiring Defendants to account for and pay over to Plaintiff all profits
7 derived by Defendants from their acts of copyright infringement and to reimburse Plaintiff
8 for all damages suffered by Plaintiff by reasons of Defendant's acts, pursuant to 17 U.S.C.
9 §§ 504 (a)(1) & (b).

10 5. Actual damages for copyright infringement pursuant to 17 U.S.C. §§
11 504 (a)(1) & (b).

12 6. That Plaintiff be awarded any such other and further relief as the Court
13 may deem just and appropriate.

14
15 Dated: January 25, 2016

ONE LLP

16
17 By: /s/ Joanna Ardalan

18 Peter R. Afrasiabi, Esq.

19 John Tehranian, Esq.

20 Joanna Ardalan, Esq.

21 Attorneys for Plaintiff,

22 Mavrix Photographs LLC
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DEMAND FOR JURY TRIAL

Plaintiff Mavrix Photographs LLC hereby demands trial by jury of all issues so triable under the law.

Dated: January 25, 2016

ONE LLP

By: /s/ Joanna Ardalan

Peter R. Afrasiabi, Esq.

John Tehranian, Esq.

Joanna Ardalan, Esq.

Attorneys for Plaintiff,

Mavrix Photographs LLC